

MATTER OF AGBULOS
In Visa Petition Proceedings

A-19032023

Decided by District Director October 3, 1969

Since the marriage by tribal custom in the Philippines in 1919 between the U.S. citizen petitioner and beneficiary's mother is a valid marriage under the applicable laws in existence at that time (General Order No. 68, in force from December 1899 to June 1930, of the U.S. Military Government in the Philippines), beneficiary, issue of the marriage, is eligible for preference classification under section 203(a) (4), Immigration and Nationality Act, as amended, as petitioner's married daughter.

Petitioner is a 78-year-old naturalized United States citizen who was born in the Republic of the Philippines December 14, 1890. He has filed a visa petition to classify his daughter as a preference immigrant pursuant to section 203(a) (4) of the Immigration and Nationality Act, as amended. He has submitted as evidence of his marriage to beneficiary's mother joint affidavits subscribed by two unrelated Filipinos attesting to the fact that petitioner and his wife were married in the year 1919 before a tribe of people in Macaoayan, Burgos, Ilocos Sur., Philippines. The affiants alleged that there was no church nor school in the village and the only recourse to a wedding ceremony was by tribal custom. It is further alleged that the ceremony took place prior to the existence of a town with the result that no formal record of such marriage was even made.

In determining whether this marriage could be considered bona fide for immigration purposes inquiry was made of the Hispanic Law Division of the Law Library, Library of Congress. That Library, in replying, furnished a detailed report which states in part:

... it would appear that General Order #68, in force from December 1899 to June, 1930 of the U.S. Military Government in the Philippines, was the applicable and pertinent law. Sections of this Order which should be of interest to you follows:

Sec. V. Marriage may be solemnized by either a judge of any court infe-